

## New Jersey Meadowlands Commission



Contact: Chris Gale, Director of Communications  
(201) 460-4692 christopher.gale@njmeadowlands.gov

FOR IMMEDIATE RELEASE:

April 19, 2007

# NJMC Joins Senator Lautenberg in Testifying On Unregulated Solid Waste

**LYNDHURST, N.J.** – Representatives of the New Jersey Meadowlands Commission and the State as a whole testified today in a landmark case before the federal Surface Transportation Board (STB) regarding unregulated solid waste processing along rail lines. The NJMC – which has pursued this issue in conjunction with the New Jersey Department of Environmental Protection – was preceded by New Jersey Senator Frank Lautenberg who clarified for the Board that Congress does not intend solid waste facilities to be exempt from state environmental regulation, including when they are along rail lines.

"We are proud to stand with Senator Lautenberg and officials from Massachusetts to defend the rights of residents to a healthy environment and a community in which safety standards are upheld," said NJMC Chairwoman Susan Bass Levin, also the Commissioner of the Department of Community Affairs. "Governor Corzine and the Administration have fought long and hard to maintain that if you open a solid waste operation you must comply with basic environmental, health and safety standards. Anything else is unacceptable."

The case before the STB concerns an attempt by a Teaneck-based company named New England Transrail to assert that it may operate a solid waste processing facility along rail lines in Massachusetts without abiding by pertinent regulations because it is in effect a railroad and therefore subject only to the STB and not state regulators. The STB will determine if it has jurisdiction over solid waste processing. If it does not, jurisdiction would then fall to the states where it has traditionally and consistently been held. New Jersey Attorney General Stuart Rabner, whose office has been spearheading legal efforts aimed at ensuring the State has oversight authority over solid waste rail facilities, said the case has potentially far-reaching implications for New Jersey and other states.

"If the federal government continues to allow solid waste facilities to disguise themselves as railroads so that states are preempted from regulating them, it will undermine our ability to police the industry, and to keep undesirable elements -- including organized crime -- out of the industry," said Rabner.

"Rail facilities should not be allowed to operate solid waste transfer stations in complete disregard of public health and safety," New Jersey Department of Environmental Protection Commissioner Lisa P. Jackson said. "DEP has been fighting hard to make sure these facilities operate in an environmentally safe manner."

Deputy Attorneys General Kevin Auerbacher and Jung Kim of the Division of Law handled the matter for New Jersey, along with attorneys from the Washington, D.C., law firm of Galland, Kharasch, Greenberg, Fellman & Swirsky, who serve as special railroad counsel to the State.